

**LATHROP & GAGE L.C.**  
**William R. Hansen (WH-9446)**  
**Gianfranco G. Mitrione (GM-8168)**  
**Bridget A. Short (BS-4191)**  
**230 Park Avenue, Suite 1847**  
**New York, New York 10169**  
**(212) 850-6220 (tel)**  
**(212) 850-6221 (fax)**

**Attorneys for Defendant**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
CHAMILIA, LLC,	:	Civil Action No.:
	:	04 CV 06017 (KMK)
Plaintiff,	:	
	:	
-against-	:	ECF CASE
	:	
PANDORA JEWELRY, LLC,	:	
	:	
	:	
Defendant.	:	
-----X	:	

**SECOND SUPPLEMENTAL DECLARATION OF GIANFRANCO G. MITRIONE  
IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

GIANFRANCO G. MITRIONE, does hereby declare:

1. I am an associate with the firm of Lathrop & Gage L.C., attorneys for Defendant, Pandora Jewelry, LLC. I am admitted to practice law in the State of New York and in this District. I am familiar with all the facts and circumstances in this proceeding.

2. I submit this second supplemental declaration pursuant to Rule 56 of the Federal Rules of Civil Procedure in support of defendant's motion for summary judgment. My original declaration dated January 14, 2005 and supplemental declaration dated July 15, 2005 are also submitted to the Court.

3. Attached hereto as Exhibit U are excerpts from the transcript of the deposition of Jeffrey Julkowski held on May 12, 2005.

4. Attached hereto as Exhibit V are true and correct copies of pages dated September 2, 2005 from Carlos Italian Charm Shop's website located at [www.italiancharmshop.com](http://www.italiancharmshop.com) confirming that it is advertising and selling Chamilia jewelry products.

I DECLARE under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 2, 2005

  
Gianfranco G. Mitrone

**EXHIBIT U**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
-----x

4 CHAMILIA, LLC,

5 Plaintiff,

6 v.

04-CV-6017  
(KMK)

7 PANDORA JEWELRY, LLC,

8 Defendant.  
9  
-----x

10  
11  
12 CONFIDENTIAL - ATTORNEYS EYES ONLY  
13

14 May 12, 2005

15 9:15 a.m.  
16

17 Videotaped deposition of JEFFREY  
18 JULKOWSKI, taken by Defendant, pursuant to  
19 notice, at the offices of Lathrop & Gage, 230  
20 Park Avenue, New York, NY 10169, before Lisa  
21 Mango, a Shorthand Reporter and Notary Public of  
22 the State of New York.  
23  
24  
25

Julkowski - Confidential

355

**REDACTED**

Q. Have you personally seen any documents which reference -- have you personally seen any marketing or advertising literature of Pandora's which particularly reference the term patent pending?

A. I'm sorry.

MS. SHORT: Can you read the question back, Ms. Court reporter.

(Record read)

A. Yes.

Q. And what documents were those?

A. Advertisements, magazines, sales brochures, websites. Only more recently.

**REDACTED**

## **EXHIBIT V**





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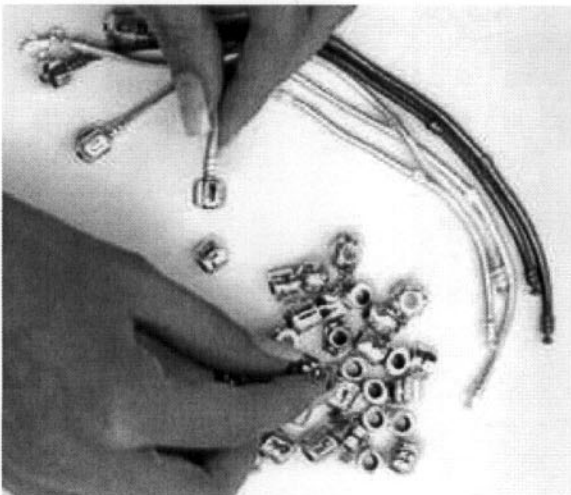
## Catalog - The European Threaded Bead Collection Introduction by Chamilia<sup>(tm)</sup>



**A new trend in jewelry is the  
cable link beaded style lines.**

***Easy to build....  
Easy to wear....  
Easy to change...***

**and easy to set your own style trend!**



### Step 1

**Start your design by  
choosing a bracelet.**

**Measure your wrist  
and add 3/4 inch to  
determine your size.**

**Choose beads in all  
silver, all gold, or a  
mixture of both.**

**You choose the look  
that meets your own  
style!**

### Step 2

**Twist each bead onto the**



**Cleaning:**  
Simple polishing with a jeweler's cloth recommended.



bracelet until you're satisfied with the look you desire.

Add as many beads as you like, or just a few - you choose the full look or more movement in each section.



**Step 3**

Secure your bead design in each of three sections with decorative locks.

The beads will swivel on your wrist with movement.

**Browse by Designer:**



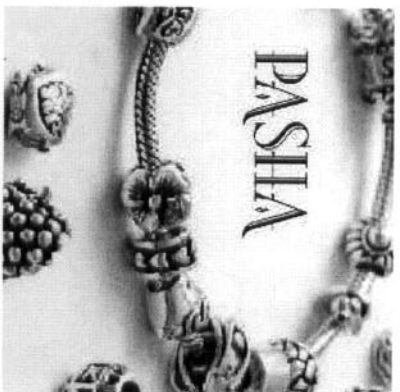


## Chamilia Collection

Download a catalog in PDF format.  
Requires Adobe Acrobat to view.



Biagi Collection



Pasha Collection

## Landmark Collection

[ World Landmarks ]

## Chamilia Collection

[ Chamilia Charm Home | Bracelets & Necklaces | Color Spacers | Silver/Gold Spacers | Locks & Clips | Special Beads! ]  
[ Alphabet | Animals | Color Designs | Dangles | Family | Food | Nature | Shapes | Spirituality | Sports/Games | Zodiac ]  
[ Murano Glass | Birthstones | Silver with Stones I | Silver with Stones II | Silver with Gold | Solid Gold ]  
[ Disney Beads ]

## Biagi Collection

[ Bracelets | Spacers | Locks & Clips | Alphabet ]  
[ Animals | Family | Flags/Travel | Food | Holidays/Seasonal | Music/Arts ]  
[ Nature | Shapes | Spirituality/Love | Sports/Games | Technology | What to Wear | Words & Terms ]  
[ Birthstones | Silver Dangles | Silver with Stones | Silver with Gold | Silver, Gold & CZs ]

## Pasha Collection

[ Bracelets | Spacers | Locks & Clips ]  
[ Alphabet | Nature | Shapes | Spirituality | Symbols | Zodiac ]  
[ NEW ITEMS! | Bead Bags | Compatibility Chart ]

[ Italian Charms | Trollbead Collection | European Beaded Collection | Lovelinks Bead Collection | Children's Keepsake Collection | Photo Engraved Collection ]

[ Dream Pearl Collection | Gliss Collection | Heirloom Bell Collection | Rubini Slide Collection | Silver Jewelry Collection | Wolf Jewelry Boxes ]

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\* Nimbus Winery \*

12401 Folsom Blvd #223 . Rancho Cordova . CA . 95742

916.608.4446

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### Catalog - The Chamilia Collection Starter Bracelets & How to Add European Beaded Charm Jewelry

**Introducing a beautiful new style of  
beaded jewelry collection in Sterling Silver,  
14kt Gold with cable chains.**

New and becoming embraced from ladies of all types and ages...this jewelry style allows you to build a beautiful and unique bracelet. The cable chain is threaded at sections so beads will stay distributed around your wrist, not falling to the underside.

Our line from Chamilia is of fine quality, solid precious metals in Sterling Silver and 14kt Gold. The detailed beads are carefully designed to bring out the character of the elements. Stones are added to some beads for a bit of sparkle. Lots of detail and shape.

Review the **Chamilia FAQ** page to learn how to add or rearrange beads, determine size information, and more!

To determine your bracelet size  
needs, measure your wrist and

#### EXAMPLE OF FINISHED BRACELETS

Your finished bracelet will be a solid, heavy piece of jewelry you'll enjoy wearing in many occasions and seasons.







**add 1 inch.** We would consider 6.7" as petite, 7.1" as small, 7.5" as medium, 7.9" as large, and 8.3" as Xlarge.

Our average sizes are usually 7.1" to 7.9".



**new** *Bangle style now available, too!*

#### STARTER BRACELETS & NECKLACES



#### Necklace Series

ID:Cham(+Brac size & Type)

Quantity

Lobster Clasp 6.7in Silver Chain

Add To My Order

**Prices: Lobster Clasp Silver Starter Bracelet/Anklet: \$17.00**

**Snap Clasp Silver Starter Bracelet/Anklet: \$30.00**

**14kt Snap Clasp Silver Starter Bracelet/Anklet: \$110.00**

**Lobster Clasp Necklace: \$33.00**

**new** *European Bangle for Beads*



Bangle Series

Introducing a new style version is the beaded jewelry lines of bracelets. This new bangle is available and is easy to wear and add/change beads.

Chamilia's bangle features fine quality, solid precious metals in Sterling Silver with Sterling Silver ball caps and slides, or in optional 14kt Gold balls. Unscrew one end to add or change beads. Slider balls around the bangle can be pushed along the bangle and are used to "keep" beads spaced around.

Note: Beads from Chamilia, Biagi, Pasha, Pandora, Lovelinks, and Trollbeads line will fit on this style of bracelet.

ID: ChamBC

Quantity

Choice(s)

Add To My Order

**Prices: Silver Starter Bangle: \$43.00  
Replacement Silver Ball - \$7.00 each  
Replacement 14K Ball - \$20.00 each**

**Landmark Collection**  
[ World Landmarks ]

**Chamilia Collection**

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[ [NEW ITEMS!](#) | [Bead Bags](#) | [Compatibility Chart](#) ]

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